

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18th day of June, two thousand thirteen,

Cathie L. Bell, Courtney Lee Adams, Thomas Adamson, Chris Agnese, Sarah Alden, Christina Argyros, Sabine Aronowsky, Eugeni Averbakh, Scott Beibin, Christina Benson, Steven Black, Jaie Bosse, Liam Burnell, Edward Codel, Benjamin Cody, Gabriel Cohn, Eric Corley, Nancy Diamond, Ryan Doxtader, Yasmine Farhang, Michael Fix, John Flanigan, Marlene Flaton, Naimah Fowley, Amelia Geocos, Jennifer Giles, Michael Gindi, Daniel Gingold, Trevor Giuliani, Zachary Goldstein, James Graham, Barbara Jane Harden Jones, Erik Henriksen, Lily Hughes-Dunn, Brian Hurley, Aisha Jabour, Juanpablo Juarez, Clifford Kaplan, Sandor Katz, Thomas Kennedy, Kristin Kojis, Jennifer Lahn, Caitlin Lemmo, Althea Lewis, Richard Lovejoy, Brian Lucrezia, David Maddox, Aaron Maret, Lisa Martin, Janet Miller, Eric Morson, Scott O'Dierno, Emily Paine, Sarah Palmer, Jeffrey Parrott, Beth Peller, Daniel Perry, Caroline Pierce, Robert Ponce, Dana Pryor, Daniel Reed, Trenton Reich, Michael Reilly, Jesse Rosemoore, Cynthia Rosin, Denise Rubinfeld, Dominick Sassone, Miho Schutzenhofer, Nazie Shekarchi, Christopher Shortridge, Alexis Shotwell, Arielle Soloff, James Steitz, Sada Stipe, Rebecca Sutton, Jessica Taft, Sidney Vault, Roger Vilanova Marques, Noah Weiss, Seth Wessler, Adrienne Wilcox, Rebecca Wood, David Zalk, Daniel Zarrella, Thomas Bacon, Greg Griffith, David Hill, Michelle Kaye, Erica Mitrano, Robert Pietri, Ellen Tuzzolo, Joel Viertel, Nadgia Lara, Marian Geocos, Haideen Anderson, Angel Rivera, Rue Sakayama, Theo Rigby, Hacer Dinler, Ann Maurer, Ashley Waters, John J. Pagoda, Noel Grosso, AKA Noelle Grosso, Elizabeth Starin, Jeffrey Stark, Rebecca Heinegg, D.K. Pan, Paul Rosenthal, Sarah Breznau, Robert Kunz, Kenneth

ORDER

Docket No. 12-4420-(L)
12-4423-(con), 12-4424-(con)
12-4425-(con), 12-4426-(con)
12-4435-(con), 12-4450-(con)
12-4453-(con), 12-4457-(con)
12-4460-(con), 12-4474-(con)
12-4475-(con), 12-4476-(con)
12-4477-(con), 12-4480-(con)
12-4483-(con), 12-4487-(con)
12-4495-(con), 12-4533-(con)
12-4583-(con).

Strasser, Jennifer Whitney, Gregory Eifert, Alexis Bhagat, Erica Freas, Kristine Tomiko Jones, Valerie Holt, Anne Mathew, Gillian Rose, Becki Quick, All Plaintiffs, Betty Bastidas, Gregg Ross, Jerel Walden, Lauren Caspar, Tarasik Abdell, Joseph Amato, Gary Ashbeck, Ellen Barfield, David Barrows, Michael Becker, John Behling, Ruth Benn, Benjamin Bernard, Arun Bhalla, Kathleen Burick, Daniel Burns, Linnea Capps, Thomas Catchpole, Joan Cavanagh, Marc F. Church, Jeffrey J. Cohen, Mark Colville, William Conwell, Colleen Cook, Susan Crane, Polly A. Davies, Felton Davis, Patricia Debruhl, Dewayne Dickerson, Matthew Dietzen, Walter Ditman, Lois A. Doggett, Jason Dorais, Susan D'Ornellas, Alexander Holley Drummond, Steven Ekberg, Calla Evans, Adam Feinstein, James Flynn, Howard J. Gale, Stephen Gamboa, Gabriel Gaster, Tobiah Gaster, Edward Gibbons, Theodore Glick, Charles Goldberg, Oren Goldenberg, David Gordon, Barrett Z. Gross, Richard Hardie, Ed Hedemann, Kathleen D. Hernandez, Roger Hill, Edward Hotchkiss, Ryan D. Hottle, Janet S. Howe, Benjamin Hunt, Thomas Ivors, Jennifer Janney, Dwight Jenkins, Michael Joseph, Pepper Judd, Sarah Kanouse, Jay Kantor, Brian Kavanagh, Kimberly Kern, Edward F. Kinane, Joshua Knapp, Matthew Kocek, Katharine Krassan, Laura Kressly, Andrew Laken, Tessa M. Lalonde, Jared Lanctot, John Larson, Jonothan Logan, Marielle Lovecchio, Jay Marx, Ryan McGee, Barbara Ann Meisinger, Tristan Migliore, John M. Miller, Zachary C. Miller, Chris G. Murray, Mark Nechay, Blossom Nicinski, James Noonan, Daniel O'Reilly-Rowe, Michael Palmer, Christine Pardew, Lawrence Paris, Daniel W. Parrott, Nathaniel Parry, Jeffrey A. Paterson, Shannon Petrello, Stephen Patrick, Katherine Poe, Laura Raymond, Bruce Renwick, Adam Richins, Shana Rigby, Deborah Riverbend, Raymond Robinson, Lambert Rochfort, Ronald E. Rosenberg, Devon Rueckner, Ronald W. San Marchi, Frank Sanchez, III, Steven Scofield, Anais Sensiba, Gordon William Sensiba, Robert J. Siegel, Selma Spritzer, Andrew St. Laurent, Mora MI-OK Stephens, Theresa Swink, Sarah Tepsic, John Trinkl, Ann Trudell, Christy Ann Turner, Zachary Vreeland, Frantz Walker, James J. White, James Williamson, James Wilson, Teran Wilson, Wong Jennifer, Matthew Wright, Raissa Wu,

Thomas Zambeck, Diane Beeny, John Theodore Glick, Ellen Grady, Carol Dudek, Jody Concepcion, Megan Kennedy, Debasri Ghosh, Janine Altongy, Carre Adams, Sacha Botbol, Alexander Bomstein, Valerie Kaur Brar, Charles Shaw, Aubryn Sidle, Jennifer Hasa, Emma Lang, Emilia Crotty, Naomi Podber, Heather Blackburn, Maria Cincotta, Dave Wedding Dress, Amanda Grimshaw, Kenneth Hankin, Michele Hardesty, Susan Levin, Daniel McGee, FKA Nancy Welch, Matthew Moran, Ronica Mukerjee, Jesse Olsen, Lisa Ross, Sue Allison Spector, Raphael Sperry, Deirdre MacNamara, Stacy Cotler, Rachel Heinold, Danielle Walsh, Erika Biddle, Simon Harak, William Hobbs, Noah D. Charney, William B. Steyert, Jr., Deepa Majmadur, Rebecca B. Stoneback, Celine Malanum, Sonia Chandra, Kate M. Esposito, Randall Steketee, Barbara Friedman, as parent and natural guardian of Emily Friedman, minor, Leonard Friedman, as parent and natural guradian of Emily Friedman, minor, Fathali Ghahremani-Gadjar, as Parent and natural guradian of Shahrzad Ghahremani, Jason Barrus, Elizabeth Fleischman, Christopher Thomas, Diana Raimondi, Wendy Steffanelli, Carolyne Ali-Khan, individually, and on behalf of a class of all others similarly situated, Michael Binder, individually, and on behalf of a class of all others similarly situated, Kaitlyn Tikkun, Michael Schiller, Francesca Firoentini, Robert Curely, Neal Curley, Alisoun Meehan, Rebecca Major, Andrew Fremont-Smith, Matthew Moran, Megan Cox, Michelle Borok, John Elfrank-Dana, Keith Mancuso, Emily Nella, Joshua Pelzek, Kyle Rettstadt, Hali Vik, Dyan Neary, Laurie Schoeman,

Plaintiffs - Appellees,

Bradley Will, Hacer Dinler, Ann Maurer, Ashley Waters,

Plaintiffs,

v.

City of New York, a municipal entity, Jose Perez, New York City Police Officer, individually, in his official capacity, John Doe, New York City Police Officer,

individually, in his official capacity, Sally Rowes, New York City Police Officer, individually, in his/her official capacity, Joseph Esposito, individually, in his official capacity as Chief of the New York City Police Department, Raymond Kelly, individually, in his official capacity as New York City Police Commissioner, John J. Colgan, individually, in his official capacity as Deputy Chief and Commanding Officer at the Pier # 57 Detention Facility, Thomas Graham, individually, in his official capacity as Commanding Officer of the New York City Police Department Disorders Control Unit, Terrence Monahan, Bruce Smolka, individually and in his official capacity as an Assistant Chief in the New York City Police Department, Michael Bloomberg, Mayor of the City of New York, individually and in his official capacity, Gerald Dieckmann, Deputy Inspector in the New York City Police Department, individually and in his official capacity, James Essig, Deputy Inspector in the City of New York Police Department, Individually and in his official capacity, Matthew Delguadio, Captain, individually and in his official capacity, James Franzo, Lieutenant, individually and in his official capacity, Thomas Galati, Inspector, individually and in his official capacity, William Tracey, Captain, individually and in his official capacity, Joseph Lamendola, New York Police Officer (Shield #15378), Jeremiah Malone, Cuong Nguyen, Victor Perez, Jonathan Quimby, Remy Randall, James Ruffle, Shield No. 26119, Daniel Ryan, John and Jane Does, Stephen Hammerman, Former Deputy Commissioner for Legal Matters, New York City Police Department, Thomas Doepfner, Assistant Deputy Commissioner for Legal Matters, New York City Police Department, Kerry Sweet, New York City Police Department Deputy Inspector, New York City Police Legal Bureau Executive Officer, Ruby Marin-Jordan, New York City Police Department Legal Bureau Senior Counsel, New York City Police Department Legal Bureau Supervisors at Pier 57, David Cohen, Deputy Commissioner for Intelligence, New York City Police Department, David Castillo, Alexey Averbakh, Daniel Albano, Lieutenant, New York City Police Department, Jack McManus, Assistant Chief, New York City Police Department, Lorenzo Johnson, Police Captain, Patrick Cortright,

Police Lieutenant, Mark Keegan, Police Lieutenant, Nicholas Gravino, Shield No. 16767, John Does, Richard Roes, Hudson River Park Trust, Connie Fishman, Monique Dulanto Caban, Police Officer, Derrick Baity, New York City Police Officer, #1-29 Jane and John Does, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names of these defendants are presently unknown), Francisco Alcantara, Abdiel Anderson, individually and in his official capacity, Gregory Bell, Julio Calle, Charles Chaplar, Eunpa Chun, Jorge Encarnacion, Diane Hayes, Linda Holmes, Jessica Knatz, Frank Marousek, Steven Ricca, Darren Rock, Timothy Rogers, Cynthia Rosario, John Weiser, Prince Williams, Sulman Zaheer, John and Jane Does # 1, 2, 10, 14, 19, 20, 25, 26, 27, and 28, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names of these defendants are presently unknown), James Galati, Police Officers John and Jane Doe #1-50, individually and in their official capacities (the names John and Jane Doe being fictitious, as the true names are presently unknown), P.O. Joseph Bucchignano, P.O. Virgilio Bencosme, P.O. Kimberly Daly, P.O. Lucille Fredericks, P.O. Michael Gonzalez, P.O. Adam Panasuk, P.O. Michael Ali, P.O. Carlos Pacheco, P.O. Isaura Peralta, Chief Nicholas Estavillo, Former Chief of Patrol, New York City Police Department, Chief Patrick Devlin, Former Assistant Chief, Lt. John Connolly, Capt. Anthony Johnson, Capt. Alex Laera, New York Police Captain, Paul Deentremont, New York Police Captain, Kevin Sam, Police Officer, Shield No. 9403, Salvatore DiMaggio, Police Officer, Shield No. 31742, Jane Does, New York City Correctional Officers 150, Fackler, Sergeant, New York City Police Officer, Individually and in his official capacity, Quimby, New York City Police Officer, Individually and in his official capacity, Joe Tracey, Captain, in the New York Police Department, individually and in his official capacity, Joe Franzo, Lieutenant, in the New York City Police Department, individually and in his official capacity, N. Perez, Shield # 5749, individually and in his capacity as a New York City Police Officer, John Does 1-15, Republican National Committee, Alexis Fernandez, Police Officer, Shield #29781, P.O.

Jose Andrade, P.O. William Haut, P.O. Neil Rodriguez,
 New York City Police Officer (Shield No. 21015),
 P.O. Michael Carrieri, P.O. Tanisha Diaz, P.O. Kevin
 Rooney, P.O. Jason Wolf, P.O. Kathleen Curnyn, Sgt.
 Arthur Smarsch, Insp. James Shea, Chief James
 O'Neill, Deputy Chief for the NYPD, Lt. Brian Jackson,
 SGT. Edmund Sheridan, SGT. Stephanie Mount,
 Daniel Iecampo, Captain Joseph Downing, Dominick
 Bizarro, Gregory Fontaine, Matthew Loftus, Kenneth
 Singleton, P.O. Khamwate Brijbukhan, Deputy
 Commissioner John Cogan, P.O. Gerard Neumann, Sgt.
 Michael Ingram, New York City Police Supervisor,
 Mona Phillips, New York City Police Officer, Dr.
 Nelson, New York City Police Officer, Noel
 Rodriguez, New York City Police Officer, Michael
 Filoleta, Steven Choinski, New York City Police
 Officer, Tyrone Riggan, New York City Police Officer,
 Dan Malloy, New York City Police Officer, Michael
 Boyle, New York City Police Officer, Diez, New York
 City Police Officer, Michael Balicki, New York City
 Police Officer, Anthony Macon, New York City Police
 Officer, Melissa Roman-De Lacy, New York City
 Police Officer, Jimmy Chung, Courtney Hamlin, NYPD
 Captain Ronald Mercandetti, George Shannon, Gary
 McCarthy, Deputy Commissioner of the New York
 City Police Department ("NYPD"), Michael Scagnelli,
 Assistant Chief for the NYPD, Stephen Paragallo,
 Deputy Chief for the NYPD, Thomas DiRusso, NYPD
 Inspector, Kevin Ward, NYPD Inspector, John Hughes,
 NYPD Inspector, Matthew Hyland, NYPD Captain,
 Chris Monahan, NYPD Captain, Jaskaran, NYPD
 Captain (First Name Unknown ("FNU")), Joseph
 Dowling, NYPD Captain, William Crossan, NYPD
 Captain, Dermot Shea, NYPD Captain, John Wolf,
 NYPD Lieutenant, Ronald Myers, NYPD Sergeant
 (Shield No. 5146), Raffi Ovanessian, NYPD Sergeant,
 John Woods, New York City Police Officer (Shield
 No. 2878), Brian McSweeney, New York City Police
 Officer (Shield No. 31411), Melvin Reyes, New York
 City Police Officer, Stephen Nelson, New York City
 Police Officer, Denise Rose-Hinksman, New York City
 Police Officer (Shield No. 19599), Johanna
 Greenberg-McMinn, New York City Police Officer,
 Jason Martinoff, New York City Police Officer (Shield
 No. 30808), Kevin Scott, New York City Police

Officer, Elvis Suero, New York City Police Officer (Shield No. 3836), James Chung, New York City Police Officer, John Does, 1-50 New York City Police Officers, Anthony Bologna, NYPD Inspector, James McCarthy, NYPD Inspector, Julie Does, New York City Police Officers 1-50, Saldo, New York Police Sgt. (First Name Unknown ("FNU")), Evelyn Rivera, New York Police Sgt. (Shield #4934)d, Hernandez, New York Police Sgt. (First Name Unknown ("FNU")), Debra Stremel, New York Police Officer, Chandra Barnes, New York Police Officer Shield #24985, Sheila Veerapen, New York Police Officer Shield #6168, Felice Sims, New York Police Officer Shield #4995, Cheri Gatling, New York Police Officer Shield #9778, Diane Edwards, New York Police Officer Shield #12510, Gelinda Gethers, Shield #22021, Deborah Jacques, New York Police Officer, Autuam Carr, New York Police Officer Shield # 7922, Willa Campbell, Shield #31626, Giovannia Cancel, New York Police Officer, Sharon Feaggins, New York Police Officer Shield #24979, Jacqueline Harrison, New York Police Officer, Pamela Harris, New York Police Officer Shield #9148, Ann Rubio, New York Police Officer, Constance Blakeney, New York Police Officer, Works, New York Police Officer (First Name Unknown ("FNU")), Sonia Pagan, New York Police Officer, Williams-Robinson, New York P.A. (First Name Unknown ("FNU")), Williams-Anderson, New York P.A. (First Name Unknown ("FNU")), James Doe, 1 Emergency Medical Technician, who conducted a pre-arraignment medical screening of Kaitlyn Tikkun on 9/1/04 at or about 7:12 a.m. and whose signature appears at Bates No. TIK(D) 0130, P.O. Brendan Meehan, Shield No. 30563, Detective Nicholas Stanich, Shield No. 06932, Shawn Allen, Police Officer, John Anderson, Police Officer, Donna Farrell, Police Officer, John Gomez, Police Officer, Michael Bonacci, Pavel Gomez, Police Officer, Steven Caraballo, Police Officer, Hui Chi, Police Officer, Thomas Purtell, Deputy Chief,

Defendants - Appellants,

Captain Joseph Delguardo, individually and in his official capacity, P.O. "John" Buccanero, David Beeny,

Richard Csontos, Peter De Mott, Zoe Ginsburg,
Thomas Goekler, Kathryn Gordon, Rochelle Iannucci,
Melissa Jameson, Richard Larson, Michael R.
Levinson, Steven Liptay, Robert C. Minervini, Anthony
O'Leary, Michael Owen, Edwin Reed-Sanchez,
Matthew Schenning, William Steyert, Jr., Hannah
Taylor, Emily Jo Testa, Johanna Valente, Patrick
Volpe, Patricia Wieland, John Fernandez, Police
Officer, Jane Fernandez, Police Officer, John Andrade,
John Carrieri, P.O., John Haut, P.O., John Rodriguez,
P.O., Jane Diaz, James Wolff, P.O., Kavita Kulkarni,
P.O. Robert Martin, Martin F. Horn, Commissioner,
New York City Department of Correction, Robert N.
Davoren, Chief of Department, New York City
Department of Correction, Robert Roes, New York
City Department of Correction Supervisors and
Commanders 1-50, James Does, NYC Correctional
Officers 1-50; individually and in their official
capacities, jointly and severally, (the names John, Julie,
James and Jane Doe, as well as Richard and Robert
Roe, being fictitious, as the true names of these dfts. are
presently unknown), Leon Vincent, Police Officer
Shield No. 27665,

Defendants.

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1.

The stipulation is hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

A handwritten signature in blue ink, reading "Catherine O'Hagan Wolfe", is written over a circular official seal of the United States Court of Appeals, Second Circuit.

A handwritten signature in blue ink, reading "Catherine O'Hagan Wolfe", is written over a circular official seal of the United States Court of Appeals, Second Circuit.